

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANNIE L. FEAGIN,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-01107-JPH-MJD
)	
JPMORGAN CHASE BANK, N.A.,)	
)	
Defendant.)	
_____)	
)	
JPMORGAN CHASE BANK, N.A.,)	
)	
Counter Claimant,)	
)	
v.)	
)	
ESTATE OF DONNA G. TUOHY Through)	
Personal Representative Garth Madison,)	
ANNIE L. FEAGIN,)	
)	
Counter)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Magistrate Judge Mark J. Dinsmore has entered a Report and Recommendation, making recommendations regarding the following motions: Annie Feagin's Verified Claim for Immediate Delivery of Property, dkt. 21; Ms. Feagin's Amended Verified Claim for Immediate Delivery of Property, dkt. 29; and the parties' Joint Motion to Interplead and Dismiss Chase with Prejudice, dkt. 37. The parties have had the opportunity to object but have not done so. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1). The Court has considered and now **ADOPTS** the Report and Recommendation. Dkt. [44].

Accordingly, the Court **ORDERS** the following:

- Ms. Feagin's Verified Claim for Immediate Delivery of Property, dkt. 21, is **WITHDRAWN**, *see* dkt 37 ¶ 8;
- Ms. Feagin's Amended Verified Claim for Immediate Delivery of Property, dkt. 29, is **WITHDRAWN**, *see* dkt 37 ¶ 8;
- The parties' Joint Motion to Interplead and Dismiss Chase with Prejudice, dkt. 37, is **GRANTED** and Chase is **ORDERED** to deposit the funds at issue into the Court's registry pursuant to Federal Rule of Civil Procedure 67 within seven days of the date of this Order;
- Ms. Feagin is **ORDERED** to file an Amended Complaint within seven days of the date that the funds are deposited by Chase that asserts her claim(s) against the Estate; the Estate shall then assert its claims against Feagin as a counterclaim when it files its Answer to the Amended Complaint;
- Once the funds have been deposited by Chase and the Amended Complaint has been filed, the Court will **DISMISS** all claims against Chase and all claims asserted by Chase in this action with prejudice.

The Court further **ORDERS** that the Clerk of Court shall promptly invest the funds in a court-approved, interest-bearing instrument.

SO ORDERED.

Date: 8/26/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

ESTATE OF DONNA G. TUOHY Through Personal Representative Garth
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